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PATENT  
DOCKET NO.: 2207/17040

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS : A. Sodani et al.  
SERIAL NO. : 10/749,272  
FILED : 30 December 2003  
FOR : METHOD AND APPARATUS FOR  
RESCHEDULING OPERATIONS IN A PROCESSOR  
ART UNIT : Unassigned  
EXAMINER : To Be Assigned

COMMISSIONER FOR PATENTS  
ATTENTION: OFFICE OF PATENTS ADMINISTRATION  
Washington, DC 20231

**PETITION TO RESPOND TO THE**  
**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**  
**FILED UNDER 37 CFR 1.53(e)**

SIR:

This petition is in response to the Notice to File Missing Parts of May 3, 2004 (a copy of which is attached as Exhibit A).

The following numbered paragraphs set forth the facts pertaining to this petition.

1. Applicants' attorney filed together two patent applications on December 30, 2003. Both applications named Per Hammarlund as one of the inventors for the application.
2. The present application, U.S. Application Serial No. 10/749,272, was filed with the correct specification. The application was filed with an incorrect set of drawings. Seven (7) sheets of formal drawings were filed with the '272 application. These items were included in an Express Mail envelope (EV 351180931) and filed at a U.S. Post Office on December 30, 2003. A

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- copy of the PTO-stamped postcard, application transmittal form, specification, and seven sheets of drawings are attached as Exhibit B.
3. A second application, U.S. Application Serial No. 10/749,271, was filed with the correct specification. The application was filed with an incorrect set of drawings. Five (5) sheets of formal drawings were filed with the '271 application. These items were included in an Express Mail envelope (EV 351180945) and filed at the same U.S. Post Office on the same date, December 30, 2003 with what is now the '271 application. A copy of the PTO-stamped postcard, application transmittal form, specification, and seven sheets of drawings are attached as Exhibit C.
  4. The drawing figures for the '272 application and the '271 application are related. Figs. 1, 2, and 3 are practically identical for each of these applications.
  5. Inadvertently, when the applications were filed, the drawings described by the specification for the '272 application were filed in the envelope with the '271 application, instead. The drawings for these two applications were switched, and thus, the drawings described by the specification for the '271 application were filed with the '272 application.
  6. Though filed in different Express Mail envelopes, the drawings for the '272 application were effectively filed with the U.S. Patent and Trademark Office on December 30, 2003 with the '271 application.

Based on the above facts, Applicants' respectfully petition the Commissioner to replace the seven sheets of drawings in U.S. Application Serial No. 10/749,272 with the five sheets of drawings filed in U.S. Application Serial No. 10/749,271. The correct drawings for the '272 application were filed in a separate envelope with the envelope containing the specification of the '271 application on December 30, 2003. In response to the Notice to File Missing Parts, Applicants will provide a Declaration under 37 C.F.R. §§ 1.63 and 1.64 for the '272 application including its appropriate drawings.

The Office is authorized to charge the \$130.00 petition fee under 37 C.F.R. § 1.17(h), along with any other charges which may be associated with this paper to Kenyon & Kenyon Deposit Account 11-0600. However, Applicants submit that the drawings were received at the USPTO as indicated by the date stamped postcard. Accordingly, applicants request a refund of the petition fee, if appropriate.

A duplicate copy of this paper is enclosed for that purpose.

Respectfully submitted,



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Shawn W. O'Dowd  
(Reg. No. 34,687)

2 July 2004

KENYON & KENYON  
1500 K Street, N.W., Suite 700  
Washington, D.C. 20005  
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DC1-497805

DC01 497805 v 1

JUL 06 2004  
 PATENT & TRADEMARK OFFICE

The datestamp <b>Dec 30, 2003</b> U.S. Patent and Trademark Office hereon will acknowledge receipt of the following item(s):			
Docket No.	2207/17040	Serial No.	TBA
Date of Mailing	December 30, 2003		
By	ESQ/PMR/SJO	Filing Date	TBA
Express Mail No.	EV351180931US		
Inventors/ Applicant	Avinash SODANI et al.		
Title	METHOD AND APPARATUS FOR RESCHEDULING OPERATIONS IN A PROCESSOR		

Item No.	Description	No. of Pages
1.	UTILITY PATENT APPLICATION TRANSMITTAL (plus 1 copy)	2
2.	UTILITY PATENT APPLICATION	18
3.	FORMAL DRAWINGS	7
4.	DECLARATION AND POWER OF ATTORNEY (unsigned)	3
5.		
6.		

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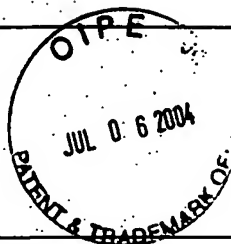
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2207/17040

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

UTILITY PATENT APPLICATION TRANSMITTAL  
UNDER 37 CFR 1.53(b)

<b>Address to:</b> M/S: PATENT APPLICATION Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	<b>Attorney Docket No.</b>	2207/17040
	<b>Inventor(s)</b>	Avinash SODANI et al.
	<b>Express Mail Label No.</b>	EV351180931US
	<b>Total Pages</b>	30

**Title of Application:****METHOD AND APPARATUS FOR RESCHEDULING OPERATIONS IN A PROCESSOR****Transmitted with the patent application are the following:**

- 2 Page(s) Transmittal form (and one copy)
- 18 Page(s) Cover Page (1); Specification (11) Claims (5), Abstract (1)
- 7 Page(s) Formal drawings
- 3 Page(s) Declaration and Power of Attorney (unsigned)
- Page(s) Recordation of Assignment and Assignment form
- Page(s) Information Disclosure Statement (IDS) (copies of citations not included in number of pages)
- Page(s) Certified copy of:
- Page(s) Statement of Related Applications

This application is a      Continuation / Continuation-in-Part / Divisional of prior application Serial No.     , filed     .

**Fee calculation for large entity:**

	No. Filed	Allowed	No. Extra	Rate	Fee
<b>Basic Fee</b>					\$770.00
<b>Total Claims</b>	24	-20	4	18.00	\$72.00
<b>Independent Claims</b>	4	-3	1	86.00	\$86.00
<b>Multiple Dependent Claim</b>				+\$290.00	
				<b>Assignment</b>	
				<b>Total</b>	\$928.00

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or arising during the pendency of this application per 37 CFR §1.16-1.21, or to credit any overpayments, to Deposit Account 11-0600.

**Express Mail Certificate**

I hereby certify that the above paper/fee is being deposited with the United States Postal Service Express Mail Post Office to Addressee service under 37 CFR 1.10 on the date indicated below and is addressed to the M/S: PATENT APPLICATION, P. O. Box 1450, Alexandria, VA 22313-1450

Date: December 30, 2003

Signature

  
Pilar RodriguezCustomer  
Number:**25693**

Respectfully submitted,

  
Edward S. Quon (Reg. No. 52,144)  
Attorney for Applicant(s)

Date: December 30, 2003